

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GARY S. STRUMOLO,
RONALD H. MILLER and
VISWANATHAN BABU



Application No. 09/432,485

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on March 30, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

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Appellants filed four (4) Information Disclosure Statement[s] (IDS) in this application. The final one was filed concurrently with an After Final amendment on June 24, 2003 (Paper No. 19).

According to the Manual of Patent Examining Procedure (MPEP) § 609(C)(2) (Eighth Ed., Rev. 1, Feb. 2003):

Examiners must consider all citations submitted in conformance with the rules and this section, and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO-1449 . . . provides a clear record of which citations have been considered by the Office. . . . Those citations not considered by the examiner will have a line drawn through the citation and any citations considered will have the examiner's initials adjacent thereto . . .

It is not clear from the record whether the examiner considered the IDS submitted on June 24, 2003 (Paper No. 19) or whether the examiner notified appellants of why their submission did not meet the criteria set forth above.

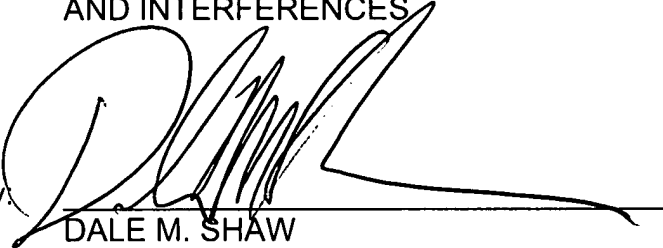
Accordingly, it is

ORDERED that the application is returned to the examiner for consideration of the IDS filed June 24, 2003 (Paper No. 19), notification to appellants in writing of consideration and for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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